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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,005	10/30/2003	Curtis Lee Carrender	12921-B (130105.427)	7416
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 6300 SEATTLE, WA 98104-7092				
			EXAMINER MULLEN, THOMAS J	
			ART UNIT 2632	PAPER NUMBER

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/698,005

Applicant(s)

CARRENDER, CURTIS LEE

Examiner

Thomas J. Mullen, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 5,6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 4,7,8 and 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/3/04&amp;3/17/05</u> | 6) <input type="checkbox"/> Other: ____  |

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1. The disclosure is objected to because of the following informalities: page 7, line 22, it appears that "reflective" should be --conductive-- (see p. 7, lines 12-13).

Appropriate correction is required.

2. Claims 4, 7-8 and 11-20 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 7-8, 11-12, 15-16 and 19-20, "the reflective surface" lacks antecedent basis (note, in the respective independent claims 1, 5, 9, 13 and 17, the object having a "conductive surface (or material)").

Claims 13 and 17, lines 7-8 in each claim, "the receiver circuit" lacks clear antecedent basis.

Claims 13 and 17, line 8 in each claim, it appears that "electrical" should be --electrically--.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-6 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brady et al (US 6329915).

Brady et al discloses a communication system having first and second "communication devices", note RF base station 100 and RF tag 116 in Fig. 1; the RF base station 100 for transmitting an interrogation signal to the tag and for receiving a modulated signal from the tag in response thereto (col. 6, lines 42-57); the RF tag 116 having an "electronic circuit" (110-113 and 115 in Fig. 1, 124 in Fig. 2) for receiving the interrogation signal and generating the modulated signal in response thereto; the RF tag 116 further having an "antenna circuit" (114 in Fig. 1, 118 in Fig. 2) coupled to the electronic circuit and attached to an "object" formed of conductive material (note

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"conducting material to which the tag is attached"--col. 4, lines 55-56); and, although Brady et al further discloses a ground plane 134 associated with the tag, Brady et al also teaches that "the ground plane may be dispensed with if the tag is to be attached to an electrically conducting material such as a metal (object)" (col. 7, lines 50-52). Thus, Brady et al further teaches "us(ing) the conductive surface (of the object) as a component of the antenna circuit", as claimed.

As to claims 6 and 10, the antenna (114,118) is a "patch antenna" (col. 6, lines 40-41), and the "antenna circuit" further comprises a dielectric base 120 (col. 7, lines 19-20).

5. Claims 1-3 are allowed.

Claims 4 and 13-20 would be allowable if rewritten or amended to overcome the objection(s) under 37 CFR 1.75(a) set forth in this Office action.

Claims 7-8 and 11-12 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

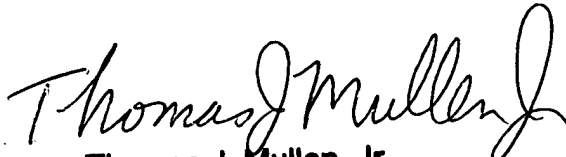
The art cited by applicant is made of record. Smith et al (US 6278369) is equivalent to Smith et al (US 2001/430), cited by applicant. Guthrie et al (US 6049278) is cited to further show the state of the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM

  
Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632